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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,797	07/22/2003	Joc Lacko	D7260-27	5293

28221 7590 07/03/2007
PATENT DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
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EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT	PAPER NUMBER
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3626

MAIL DATE	DELIVERY MODE
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07/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/623,797

Applicant(s)

LACKO, JOE

Examiner

Mike Tomaszewski

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the application filed on 7/22/03. Claims 1-27 are pending. The IDS statements filed 2/2/04 and 12/10/04 have been entered and considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Mayaud* (5,845,255; hereinafter *Mayaud*), in view of *Joao* (6,283,761; hereinafter *Joao*).

(A) As per claim 1, *Mayaud* discloses a system for providing pharmacy services to a customer at a location where a live pharmacist is not available, said system comprising:

- (1) a pharmacy computer system including a conference arrangement
(*Mayaud*: abstract; Fig. 1);

Art Unit: 3626

- (2) communication system (*Mayaud*: abstract; Fig. 1); and
- (3) a servicing pharmacy computer system remotely located from the pharmacy kiosk computer system, the servicing pharmacy computer system including a conference arrangement and a communication system (*Mayaud*: abstract; Fig. 1).

Mayaud, however, fails to expressly disclose a system for providing pharmacy services to a customer at a location where a live pharmacist is not available, said system comprising:

- (4) a kiosk including a videoconference arrangement;
- (5) a document scanner; and
- (6) wherein the pharmacy kiosk computer system and the servicing pharmacy computer system are interconnected via their respective communication systems in a manner that enables a pharmacy service videoconference to be established between a customer located at the pharmacy kiosk computer system and a live pharmacist at the servicing pharmacy computer system and enables information scanned on the document scanner of the pharmacy kiosk computer system to be transmitted to the servicing pharmacy computer system for review by the live pharmacist.

Nevertheless, these features are old and well known in the art, as evidenced by *Joao*. In particular, *Joao* discloses a system for providing pharmacy services to a customer at a location where a live pharmacist is not available, said system comprising:

- (4) a kiosk including a videoconference arrangement (*Joao*: col. 14, lines 22-23; col. 16, lines 10-11);
- (5) a document scanner (*Joao*: col. 16, lines 8-9);
- (6) wherein the pharmacy kiosk computer system and the servicing pharmacy computer system are interconnected via their respective communication systems in a manner that enables a pharmacy service videoconference to be established between a customer located at the pharmacy kiosk computer system and a live pharmacist at the servicing pharmacy computer system and enables information scanned on the document scanner of the pharmacy kiosk computer system to be transmitted to the servicing pharmacy computer system for review by the live pharmacist (*Joao*: col. 15, lines 5-17).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of *Joao* with the teachings of *Mayaud* with the motivation of establishing a more efficient and convenient means of providing pharmacy services (*Joao*: col. 10, lines 3-8).

Art Unit: 3626

(B) As per claim 2, *Mayaud* fails to expressly disclose the system for providing pharmacy services of claim 1 wherein the pharmacy kiosk computer system further includes a payment scanner which enables payment information for the pharmacy service to be transmitted from the pharmacy kiosk computer system to the servicing pharmacy computer system.

Nevertheless, *Joao* discloses the system for providing pharmacy services of claim 1 wherein the pharmacy kiosk computer system further includes a payment scanner which enables payment information for the pharmacy service to be transmitted from the pharmacy kiosk computer system to the servicing pharmacy computer system (*Joao*: col. 37, lines 35-47).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of *Joao* with the teachings of *Mayaud* with the motivation of establishing a more efficient and convenient means of providing pharmacy services (*Joao*: col. 10, lines 3-8).

(C) As per claim 3, *Mayaud* fails to expressly disclose the system for providing pharmacy services of claim 1 wherein the pharmacy kiosk computer system is located in a store having a pharmacy, and the pharmacy kiosk computer system is designed for use when the store is open but the pharmacy located in the store is closed.

Nevertheless, *Joao* discloses the system for providing pharmacy services of claim 1 wherein the pharmacy kiosk computer system is located in a store having a

Art Unit: 3626

pharmacy, and the pharmacy kiosk computer system is designed for use when the store is open but the pharmacy located in the store is closed (*Joao*: col. 7, lines 33-43).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of *Joao* with the teachings of *Mayaud* with the motivation of establishing a more efficient and convenient means of providing pharmacy services (*Joao*: col. 10, lines 3-8).

(D) As per claim 4, *Mayaud* discloses the system for providing pharmacy services of claim 3, wherein the servicing pharmacy computer system is located at a pharmacy and is designed for use by a pharmacist working at the pharmacy (*Mayaud*: abstract; Fig. 1).

(E) As per claim 5, *Mayaud* fails to expressly disclose the system for providing pharmacy services of claim 1, wherein the document scanner on the pharmacy kiosk computer system is operable to scan prescriptions, wherein upon scanning the prescription an image file containing the prescription information is transmitted to the servicing pharmacy computer system.

Nevertheless, *Joao* discloses the system for providing pharmacy services of claim 1, wherein the document scanner on the pharmacy kiosk computer system is operable to scan prescriptions, wherein upon scanning the prescription an image file containing the prescription information is transmitted to the servicing pharmacy computer system (*Joao*: col. 16, lines 8-9).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of *Joao* with the teachings of *Mayaud* with the motivation of establishing a more efficient and convenient means of providing pharmacy services (*Joao*: col. 10, lines 3-8).

(F) As per claim 6, *Mayaud* fails to expressly disclose the system for providing pharmacy services of claim 5, wherein the document scanner is operable to scan identification information and insurance information, wherein upon scanning, the identification information and insurance information is transmitted to the servicing pharmacy computer system.

Nevertheless, *Joao* discloses the system for providing pharmacy services of claim 5, wherein the document scanner is operable to scan identification information and insurance information, wherein upon scanning, the identification information and insurance information is transmitted to the servicing pharmacy computer system.

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of *Joao* with the teachings of *Mayaud* with the motivation of establishing a more efficient and convenient means of providing pharmacy services (*Joao*: col. 10, lines 3-8).

(G) As per claim 7, *Mayaud* discloses the system for providing pharmacy services of claim 5, wherein the servicing pharmacy computer system is operable to display to the

Art Unit: 3626

pharmacist the image file containing the prescription information (*Mayaud*: col. 20, lines 5-12).

(H) As per claim 8, *Mayaud* discloses the system for providing pharmacy services of claim 5, wherein the servicing pharmacy computer system includes a printer for enabling the image file containing the prescription information to be printed (*Mayaud*: col. 55, lines 16-20; Fig. 1).

(I) As per claim 9, *Mayaud* fails to expressly disclose the system for providing pharmacy services of claim 1, wherein the pharmacy kiosk computer system includes a handset that includes a speaker in an ear piece and a microphone in a mouth piece for enabling private communications with the live pharmacist during the pharmacy service videoconference.

Nevertheless, *Joao* discloses the system for providing pharmacy services of claim 1, wherein the pharmacy kiosk computer system includes a handset that includes a speaker in an ear piece and a microphone in a mouth piece for enabling private communications with the live pharmacist during the pharmacy service videoconference (*Joao*: col. 14, lines 47-58).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of *Joao* with the teachings of *Mayaud* with the motivation of establishing a more efficient and convenient means of providing pharmacy services (*Joao*: col. 10, lines 3-8).

(J) As per claim 10, *Mayaud* fails to expressly disclose the system for providing pharmacy services of claim 1, wherein the videoconference arrangement on both the pharmacy kiosk computer system and the servicing pharmacy computer system includes a camera, a speaker and a microphone.

Nevertheless, *Joao* discloses the system for providing pharmacy services of claim 1, wherein the videoconference arrangement on both the pharmacy kiosk computer system and the servicing pharmacy computer system includes a camera, a speaker and a microphone (*Joao*: col. 14, lines 47-58).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of *Joao* with the teachings of *Mayaud* with the motivation of establishing a more efficient and convenient means of providing pharmacy services (*Joao*: col. 10, lines 3-8).

(K) As per claim 11, *Mayaud* discloses the system for providing pharmacy services of claim 1, wherein the pharmacy kiosk computer system includes a touchscreen that can be used by the customer to activate and to interact with the pharmacy kiosk computer system (*Mayaud*: col. 7, line 67).

(L) As per claim 12, *Mayaud* fails to expressly disclose the system for providing pharmacy services of claim 1, wherein, upon activation of the pharmacy kiosk computer

Art Unit: 3626

system by a customer, an indication is provided by the servicing pharmacy computer system to the live pharmacist that a customer at the pharmacy kiosk computer system is requesting pharmacy services.

Nevertheless, *Joao* discloses the system for providing pharmacy services of claim 1, wherein, upon activation of the pharmacy kiosk computer system by a customer, an indication is provided by the servicing pharmacy computer system to the live pharmacist that a customer at the pharmacy kiosk computer system is requesting pharmacy services (*Joao*: col. 7, lines 33-37).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of *Joao* with the teachings of *Mayaud* with the motivation of establishing a more efficient and convenient means of providing pharmacy services (*Joao*: col. 10, lines 3-8).

(M) As per claim 14, *Mayaud* discloses the system for providing pharmacy services of claim 1, wherein the pharmacy kiosk computer system and the servicing pharmacy computer system are interconnected via their respective communication systems using a high-speed telephone connection (*Mayaud*: col. 48, lines 1-13).

(N) As per claim 15, *Mayaud* discloses the system for providing pharmacy services of claim 1, wherein the pharmacy kiosk computer system and the servicing pharmacy computer system are interconnected via their respective communication systems using the Internet (*Mayaud*: col. 48, lines 1-13).

(O) As per claim 16, *Mayaud* discloses the system for providing pharmacy services of claim 1, further including a plurality of said pharmacy kiosk computer systems at different locations, wherein each of said plurality of pharmacy kiosk computer systems are interconnected with the servicing pharmacy computer system, thereby enabling the live pharmacist at the servicing pharmacy computer system to service customers at the different locations (*Mayaud*: abstract; Fig. 1).

(P) Claims 17-22 substantially repeat the same limitations as those in claims 1-16 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

(Q) As per claim 23, *Mayaud* discloses the method of claim 22, further including receiving delivery instructions from the customer during the pharmacy services videoconference (*Mayaud*: col. 32, lines 44-53).

(R) As per claim 24, *Mayaud* discloses the method of claim 23, further including filling or refilling a prescription for the customer based on information received by the pharmacist from the customer using the pharmacy kiosk computer system (*Mayaud*: col. 32, lines 44-53).

Art Unit: 3626

(S) As per claim 25, *Mayaud* discloses the method of claim 24, further including delivering the filled or refilled prescription to the customer in accordance with delivery instructions received from the customer during the pharmacy services videoconference (*Mayaud*: col. 32, lines 44-53).

(T) As per claim 26, *Mayaud* discloses the method of claim 24, further including obtaining an original prescription from the customer upon delivery of a filled prescription (*Mayaud*: col. 32, lines 44-53).

(U) As per claim 27, *Mayaud* fails to expressly disclose the method of claim 17, further including providing a plurality of said pharmacy kiosk computer systems at different locations, wherein each of said pharmacy kiosk computer systems is operable to establish a videoconference with the servicing pharmacy computer system.

Nevertheless, *Joao* discloses the method of claim 17, further including providing a plurality of said pharmacy kiosk computer systems at different locations, wherein each of said pharmacy kiosk computer systems is operable to establish a videoconference with the servicing pharmacy computer system (*Joao*: col. 14, lines 22-23; col. 16, lines 10-11).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of *Joao* with the teachings of *Mayaud* with the motivation of establishing a more efficient and convenient means of providing pharmacy services (*Joao*: col. 10, lines 3-8).

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Mayaud* and *Joao*, as applied to claim 1 above, and further in view of *Barcelou* (6,048,271; hereinafter *Barcelou*).

(A) As per claim 13, *Mayaud* fails to expressly disclose the system for providing pharmacy services of claim 1, wherein the pharmacy kiosk computer system includes a motion sensor that activates an attract mode on the pharmacy kiosk computer system when a potential customer is within a predetermined distance from the pharmacy kiosk computer system.

Nevertheless, *Barcelou* discloses the system for providing pharmacy services of claim 1, wherein the pharmacy kiosk computer system includes a motion sensor that activates an attract mode on the pharmacy kiosk computer system when a potential customer is within a predetermined distance from the pharmacy kiosk computer system (*Barcelou*: col. 4, lines 1-3).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of *Barcelou* with the combined teachings of *Mayaud* and *Joao* with the motivation of establishing a more efficient and convenient means of providing pharmacy services (*Barcelou*: col. 3, lines 33-47).

Conclusion

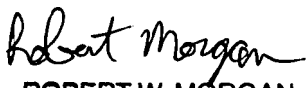
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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